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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,159	08/22/2003	Lorraine Love	14846-17	8886

7590 10/31/2007
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EXAMINER

KEEFER, MICHAEL E

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/647,159	Applicant(s) LOVE ET AL.	
	Examiner Michael E. Keefer	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-9,13-15 and 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-9,13-15 and 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment entered with the RCE 8/15/2007.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

If a trademark or trade name (in this case JavaScript) is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of the 35 U.S.C. 112, second paragraph. Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. In fact, the value of a trademark would be lost to the extent that it became descriptive of a product, rather than used as an identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute an improper use of the trademark or trade name.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 13-15, and 17-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strand (US 6772031) in view of Acker et al. (US 6704805), hereafter Acker, and further in view of IBM (NNRD435152 "Bloodhound Server Monitor Package").

Regarding **claims 1 and 7**, Strand discloses:

A method to effect multi-platform queue queries comprising:

sending a query regarding status of one or more queues and including a queue manager name to a tree renderer located on an application server which includes a queue bean; (Fig. 6, step 605, the queue manager is the system name)

sending a message from the queue bean to retrieve a list of queues corresponding to the named queue manager to one or more of the plurality of message servers on multiple platforms; (Fig. 6 step 610)

receiving and storing the list of queues from the one of a plurality of message servers at the queue bean; (Fig. 6 step 610)

providing list of queues to the tree renderer by the queue bean;
processing the list of queues into a tree structure by the tree renderer; and
delivering the status of said one or more queues tree structure to a user on a display. (Fig. 6, steps 615 and 650)

Regarding **claims 17 and 24 as applied to claims 1 and 7**, Strand discloses:

further comprising the steps of sending a message containing the queue manager name to the queue bean from the tree renderer and sending a message from the queue bean to select the queue manager corresponding to the named queue manager to one of a plurality message servers before said step of sending a message from the queue bean to retrieve a list of queues. (Fig. 4 discloses connecting and selecting a particular system, and selecting a proper connection, i.e. logging in, which corresponds to selecting a queue manager (i.e. a system node))

Regarding **claims 18-19 and 25-26 as applied to claims 1 and 7**, Strand discloses:

receiving and storing a number of messages associated with each queue in the retrieved list of queues from the one of a plurality of message servers at the queue bean; providing the number of messages associated with each queue to the tree renderer by the queue bean; and including the number of messages associated with each queue in the tree structure by the tree renderer.(Fig. 6, steps 620, 625, and 630)

Regarding **claims 20-21 and 27-28 as applied to claims 1 and 7**, Strand discloses:

wherein the application server further includes a message bean, and wherein said method further comprising the steps of: sending a request to the one of the plurality of message servers to retrieve messages associated with one queue of the retrieved list of queues; receiving and storing the messages from

the one of the plurality of message server at the message bean; providing the messages to the tree renderer by the message bean; and and delivering the messages to a user in the web browser on the display. (Fig. 6, steps 635, 640, 645 or steps 620, 625, and 630, and step 660 or 650. additionally Fig. 14)

Regarding **claim 22 as applied to claims 1 and 20-21**, Strand discloses:

selecting one of the messages; calling a java script for showing the message in a popup window in the web browser; and displaying the message in XML format when the message is expressed in XML format, otherwise displaying the message as is. (See Fig. 14, a subroutine (i.e. "java script") is inherent to cause the pop-up window that displays the "message" (i.e. the output of the job), and since the message is not in XML format, the message is displayed as it is. Additionally, if the message were in XML format, it would still be displayed as an XML format.)

Regarding **claims 23 and 29 as applied to claims 1 and 7**, Strand discloses:

wherein the application server further includes a queue manager bean, and wherein said method further comprising the steps of: sending a server name to the tree renderer; sending a message containing the server name to the queue manager bean from the tree renderer; sending a message from the queue manager bean to select the server corresponding to the named server to one of the plurality message servers; receiving and storing the list of queue managers from the one of the plurality of message servers at the queue manager bean; providing the list of queues managers to the tree renderer by the queue manager

bean; processing the list of queues managers into a tree structure by the tree renderer; and delivering the tree structure to the user in the web browser on the display. (Fig. 4 discloses selecting a system name, which then causes the information about the number of queues (i.e. the manager of each of the jobs, which are queues because they contain lists of items, i.e. the datasets) and this information is displayed by the tree renderer. See also Fig. 6)

Strand discloses all the limitations of claims 1, 7, 13-15, and 17-29 except for the use of "beans" to program the functionality of the system.

The general concept of using beans to manage access and information of queues is well known in the art as taught by Acker. (Abstract)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Strand and the general concept of using beans to manage access and information of queues as taught by Acker in order to provide EJB support for queues.

Strand and Acker teach all the limitations of claims 1, 7, 13-15, and 17-29 except for the use of a web browser for input or output and the use of HTML to display the information.

The general concept of using a web browser interface to monitor queues and display information about the queues is well known in the art as taught by IBM. (Page 1, paragraph 2.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Strand and Acker with the general concept of using a web browser

interface to monitor queues as taught by IBM in order to conveniently monitor servers that reside on the other side of a firewall.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strand, Acker, and IBM as applied to claim 7 above.

Strand, Acker, and IBM teach all the limitations of claim 8 except for the display and input interface being one system and the application server being another system.

The general concept of separating an input device and display from an application server is well known in the art as taught by IBM (see figure 1, note that the computers running web browsers on the IBM Network at the bottom, and the Bloodhound collector and Web Server is located on a separate computer on a separate network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Strand, Acker, and IBM with the general concept of separating an input device and display from an application server as taught by IBM in order to allow multiple input devices and displays to access the application server.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strand, Acker, and IBM as applied to claim 7 above, and further in view of Shannon, (JAVA™ 2 Platform Enterprise Edition Specification v 1.2).

Strand, Acker, and IBM teach all the limitations of claim 9 except for the application server comprising a J2EE application server.

The J2EE application server is well known in the art as a enterprise networking programming language as taught by Shannon.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stand, Acker, and IBM with the J2EE application server taught by Shannon in order to make the system more reliable and scalable (Shannon, page 1- 1 lines 9-10).

Response to Arguments

8. Applicant's arguments with respect to claims 1, 7-9, 13-15, and 17-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 10/18/2007



NATHAN FLYNN
SUPERVISORY PATENT EXAMINER